

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

RICARDO VAZQUEZ CRUZ,

Petitioner,

v.

CHARLES GREEN,

Respondent.

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Civil Action No. 16-3451 (JMV)

OPINION

APPEARANCES:

Victor M. Urbaez, Esq.
91 Passaic Street
Garfield, NJ 07026
on behalf of Petitioner

Hans H. Chen
United States Justice Department, Civil Division
Office of Immigration Litigation
P.O. Box 868, Ben Franklin Station
Washington, DC 20044
on behalf of Respondent

VAZQUEZ, United States District Judge

On June 14, 2016, Petitioner filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 1), challenging his prolonged detention by U.S. Immigration and Customs Enforcement (“ICE”). On February 3, 2017, Respondent submitted a letter to the Court stating that Petitioner was removed from the United States on November 9, 2016, as established by Petitioner’s Form I-205. (ECF Nos. 18, 19.) Respondent contends the habeas petition is moot. (ECF No. 18 at 1.)

A habeas petition “generally becomes moot when [a petitioner] is released from custody” because there is no longer “an actual injury traceable to the defendant and likely to be redressed by a favorable judicial decision.” *Vasquez v. Aviles*, 639 F. App’x 898, 902 (3d Cir. 2016) (quoting *DeFoy v. McCullough*, 393 F.3d 439, 442 (3d Cir. 2005)). The present petition no longer presents a case or controversy under Article III, § 2 of the United States Constitution because Petitioner is no longer detained by ICE. *See id.* (finding petition moot where there were no collateral consequences that could be addressed by success on the petition after removal) (citing *Abdala v. I.N.S.*, 488 F.3d 1061, 1064 (9th Cir. 2007)). Therefore, the petition is dismissed as moot.

An appropriate Order follows.

Date: February, 2017
At Newark, New Jersey

s/ John Michael Vazquez
JOHN MICHAEL VAZQUEZ
United States District Judge